

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAUNCEY LEO ELK,

Defendant.

CR 13-55-GF-DLC

ORDER

United States Magistrate Judge Keith Strong entered Findings and Recommendation in this matter on October 29, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Strong recommended this Court accept Chauncey Leo Elk's guilty plea after Elk appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of False Statement During a Firearms Transaction (Count I), as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count II of the Superseding Indictment.

I find no clear error in Judge Strong's Findings and Recommendation (Doc. 47), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Chauncey Leo Elk's motion to change plea (Doc. 40) is GRANTED.

DATED this 18th day of November, 2013.



Dana L. Christensen, Chief District Judge
United States District Court